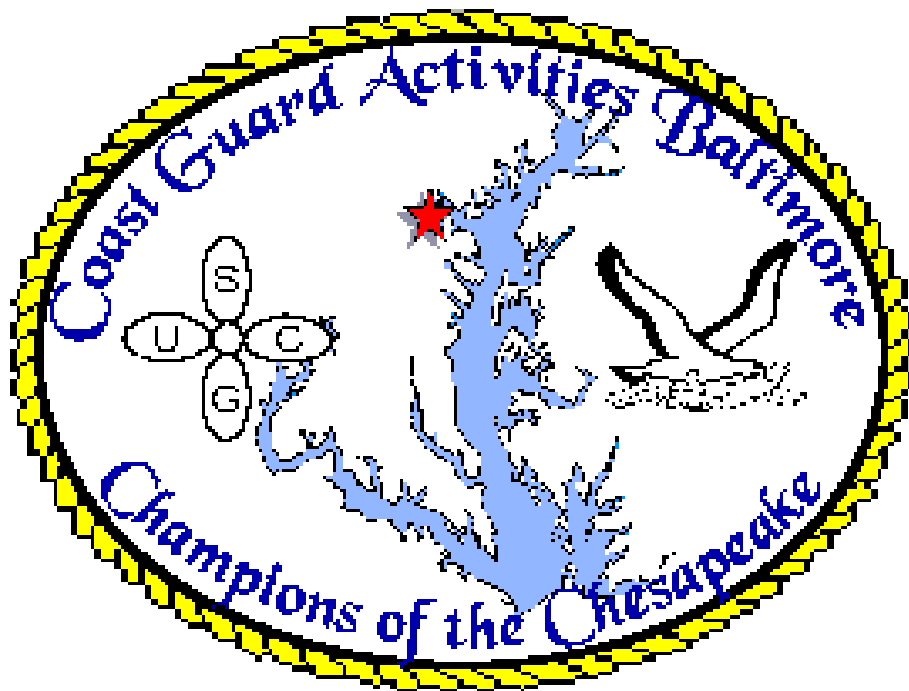


# **COAST GUARD ACTIVITIES BALTIMORE NEWSLETTER**



**FALL/WINTER 2002 EDITION**

## **FROM THE CABIN**

Fall used to bring our Coast Guard crews some much-needed relief from the busy Chesapeake Bay summer boating and search and rescue season. This year, however, most of our people remain very busy performing homeland security responsibilities. Homeland security is now mission one for the Coast Guard, right alongside saving lives, and we have made workload adjustments that enable us to increase our focus on increasing readiness and prevention. Increased Coast Guard homeland security activities include taking steps to improve our Maritime Domain Awareness and increasing the frequency and vigilance of our armed harbor patrols. We're controlling the movement of high interest vessels, we're assisting with facility security and infrastructure protection, and we're also increasing our interagency outreach efforts. Many Federal, State and local interests are working together to enhance planning and teamwork and to better leverage collective resources and response capabilities. Many of these activities are addressed in this Fall 2002 edition of our newsletter.

Even with the new emphasis on homeland security, we're still dedicating considerable effort to our normal marine safety and environmental protection missions. This newsletter also reflects the broad spectrum of services and issues we continue to address. For example, we recently sponsored an Ecological Risk Assessment to examine critical bay area habitats and to discuss response options for large spills on the Bay. We're still focusing on spill prevention as a primary objective, but we also need to be prepared to respond—just in case. With last February's collision between a ship and tug in the upper Bay, and with the grounding of two loaded black oil tankers in the Bay in two separate incidents last year, no one can say it can't happen.

We're also still fully supporting the various local interagency and stakeholder committees and we're still holding our annual customer focus workshops, such as the recent Port-Wide Industry Day and the upcoming Ice Conference. These forums help establish the teamwork and coordination that are so essential to achieving a balance among Bay area safety, security, environmental protection and commercial interests. Retaining that balance is an even greater challenge as we attempt to enhance security without unduly restricting maritime trade and mobility and legitimate public access.

Everyone can play a part in enhancing maritime security. We're calling on boaters, professional mariners, local maritime interests, and anyone on the water to report unusual or suspicious activity by phoning 800-418-7134 (local) or 800-424-8802 (national). An article inside this edition (OPERATION BAY WACH) provides additional details. Thank you for your continued support.

**R. B. PEOPLES**

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**Web page address:**

<http://www.uscg.mil/d5/activities/actbalt/index.htm>

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**AREA COMMITTEE UPDATE**

By Lieutenant (jg) Lisa Knopf  
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The Upper Chesapeake Bay Estuary Area Committee conducted an Ecological Risk Assessment (ERA) over six days in June and July at the Eastern Neck National Wildlife Refuge. Various local, state, and federal stakeholders analyzed a simulated 2,000-barrel spill of #6 fuel oil between Kent Island and Rock Hall, Maryland to compare response options. The comparison of dispersant use, in-situ burning of oiled marshes, on-water mechanical recovery, on-shore mechanical recovery, and protective booming strategies to natural recovery (i.e. no human interaction with oil), allowed the group to discuss many issues concerning the impacts the response options would pose upon the various habitats impacted by the spill scenario. Recommendations from the group's discussions will be presented at the next Area Committee Meeting in late fall or early winter. For more details, contact LTjg Knopf at 410-576-2657.

**U.S. COAST GUARD NOTICE OF VIOLATION (NOV) "TICKET" PROGRAM**

By MST3 Chris Ellison  
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Approximately eight years ago, the Coast Guard began a pilot program at a select number of units throughout the country to help determine a more efficient way to process the multitude of oil pollution civil penalty cases assessed annually. Thus began the Notice of Violation (NOV) or "Ticket" program. The NOV program was developed for more efficient processing and payment collections for small oil spills and certain pollution prevention regulation violations. A few years ago the Coast Guard adopted the NOV program throughout the Coast Guard.

Previously, all Coast Guard investigators collected all facts and evidence related to the discharge of oil or pollution prevention regulation violation and forwarded their report to a Coast Guard Hearing Officer. The Coast Guard Hearing Officer then reviewed the case to determine if the responsible party violated a federal statute. The Coast Guard Hearing Officer would then notify the regulation violator of their finding and assess a civil penalty amount. The

regulation violator would either pay the penalty or appeal the case with further information.

Today, all necessary facts and evidence are collected in the same manner as above, but now the investigator may issue a written citation on-scene. The NOV program includes a set penalty amount for a given regulation violation. The penalty amounts are pre-established in Coast Guard Commandant Instruction COMDTINST M5582.1. When the NOV is issued, the responsible party is given the options to either accept the penalty and make full payment within 45 days, or decline the penalty within 45 days and be afforded the opportunity to respond to the allegations. If no response is received within 45 days, an automatic finding of "default" is assessed and the Coast Guard will proceed with collection of the amount recommended by the investigator.

You can find more information on Notice of Violations in 33 CFR 1.07-11 and on the Coast Guard Hearing Officer process in 33 CFR 1.07-15 through 1.07-90.

#### **FRAUDULENT APPLICATIONS OF MERCHANT MARINER LICENSE/DOCUMENTS**

By John Cassady  
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The Baltimore Office of The Regional Examination Center (REC) has experienced an increase in fraudulent applications for mariner's licenses and documents. Most involve untruthful answers on the application form (CG-719-B). Section III has 7 blocks that require an "X" in either a YES or NO block. It is important that these questions be answered truthfully each and every time an application is submitted. FBI record checks and National Driver Register (NDR) checks have revealed undisclosed convictions and DWI/DUI offenses from assault to murder.

The most common problem involves the applicant falsely certifying that he/she has never been convicted of an NDR offense (reckless driving, racing on highway, fatal accidents, and DWI/DUI violations).

The REC approaches fraudulent applications in several ways. For first-time or initial application where the license or document was issued based on a fraudulent application, the license/document is considered void ab initio (from the beginning), and the individual is ordered to return the license/document immediately. The license/document is considered to never have existed, and the holder may be liable for civil penalties for operating without a valid license/document. Additionally, state authorities are notified, and they may likewise want to take action, such as revoking a fishing guide's license that was issued based on the presentation

of an invalid license. If nothing else, the individual will most likely not be able to apply again until a period of time has expired, in addition to having to be retested all over again.

If the fraudulent application, however, was pursuant to the renewal of a license/document, the individual will be sent to a suspension and revocation hearing. If the charge is proven, the individual will normally have (his or her) license/document revoked.

Additionally, in all but the most minor of fraudulent application cases, the Coast Guard will seek criminal prosecution through the U. S. Attorney. Under Title 18 United States Code 1001, the penalty for making false statements is a fine of up to \$10,000.00, imprisonment for up to five years, or both.

Truthfully revealing past criminal convictions, drug usage, and DWI/DUI offenses may result in some short-term inconvenience. It may also result in denial of a license/document. However, not all cases are equal and the REC has substantial latitude in dealing with these cases. Full disclosure of all offenses will enable the applicant to move ahead and put the issue/s/ to rest. It will also preclude future problems, including criminal prosecution, resulting from making a fraudulent application.

Under Title 46, United States Code 7702, if the holder of a

license/document is convicted of a DWI/DUI (including impairment by a controlled dangerous substance) or a traffic violation involving:

- a. A fatal traffic accident;
- b. Reckless driving; or
- c. Racing on the highways;

this may result in suspension or revocation of the mariner's license/document.

The Coast Guard is sending mariners to suspension and revocation hearings for these violations under the National Drivers Register Act (NDRA) of 1982 (23 U.S.C.401). Where charges are found proven, the sanctions may range from probation to revocation.

Some mariners have asked if being sent to a hearing following a conviction in State/Federal court is double jeopardy. That is not the case. The suspension and revocation hearing process is against the individual's license/document only, and cannot result in incarceration or civil penalties. The ultimate goal of the process is public safety.



## America's Homeland Security It's Our Job, Everyday



USCG photo by PA2 TOM SPERDUTO

### Article taken from CG website (modified)

The Coast Guard has been performing the mission of Homeland Security since its inception more than 200 years ago. Since 1790 it has adapted its operations to meet the needs of the nation.

After the terrorist attacks of Sept. 11, 2001 we once again made changes, refocused our efforts, and developed new tools and policies to protect the American people. We already had many of the skills, authorities, systems and response plans, and brave, dedicated men and women to immediately raise the level of security. As America's premier multi-mission, military, maritime agency, Homeland Security and Search and Rescue are, and have been, our top priorities.

Continued performance of all our missions – from Security and SAR to anti-drug and illegal migrant patrols to fisheries enforcement and aids to navigation – keeps our men and women and our organization active, alert, and always ready while providing much needed services and security to the American people.

The Coast Guard's continuing homeland security role includes:

- Protect ports, the flow of commerce, and the marine transportation system from terrorism.
- Maintain maritime border security against illegal drugs, illegal aliens, firearms, and weapons of mass destruction.
- Ensure that we can rapidly deploy and re-supply our military assets, both by keeping Coast Guard units at a high state of readiness, and by keeping marine transportation open for the transit assets and personnel from other branches of the armed forces.
- Protect against illegal fishing and indiscriminate destruction of living marine resources, prevention and response to oil and hazardous material spills-- both accidental and intentional.
- Coordinate efforts and intelligence with federal, state, and local agencies.

Operation Noble Eagle refers to U.S. military operations associated with homeland defense and civil support to federal, state and local agencies in the United States, and includes the increased security measures taken after the September 11 terrorist attacks. The operation involves joint agency coordination and cooperation to ensure our nation and borders are protected from future attacks.

Operation Enduring Freedom refers generally to U.S. military operations associated with the war on terrorism outside the United States. Coast Guard port security units have deployed in support of this operation.

**Since September 11, 2001 the Coast Guard has:**

- Created Maritime Safety and Security Teams (MSSTs) – federal maritime SWAT teams- highly trained, strategically located, and specially equipped to provide an extra layer of security to key ports, waterways, and facilities. First four deployed this year: Seattle, Los Angeles, Houston/Galveston, and Chesapeake, VA. Six more planned. Established Special Missions Training Center at Camp Lejeune, N.C. to train new MSSTs and other CG commands in port security.
- Boarded and inspected over 10,000 ships to search for threats and confirm the identity of those aboard.
- Developed special “Sea Marshal” boarding procedures where Coast Guard law enforcement officers remain onboard certain ships as they enter and leave ports to ensure they stay safely on course.
- Escorted cruise ships in and out of port and enforced 100-yard “no sail” Security Zones around them.
- Established a new, centralized National Vessel Movement Center and required foreign ships to provide a 96-hour advance notice of arrival plus more information about the ship, cargo, and all people on board – information that is shared with other intelligence and law enforcement agencies to detect threats.
- Established and enforced Naval Protection Zones around all naval vessels. Penalties include forfeiture of vessel, 6 years in prison and \$250,000 fine.
- Enforced over 100 Security Zones around sensitive maritime areas and facilities.
- Used the pollution and hazardous materials expertise of the Coast Guard’s National Strike Force (NSF) to prepare for and respond to bio terrorism response and weapons of mass destruction.
- NSF Atlantic, Pacific and Gulf Strike teams assisted with WTC response, cleanup of Anthrax attacks in Florida and

Washington, and were part of joint agency teams on standby at Superbowl Olympic Games.

- Worked to “push our borders out” to detect threats before they reach our shores. Strengthened our relationships with federal, state, local, and international agencies to share information and coordinate security operation.
- Launched a nationwide Port Security Assessment program to review and improve security in 55 key ports and waterways.
- Partnered with mariners and boaters to help keep waterways safe and secure by asking them to be more careful about their own activities on the water, and to be more aware of and report unusual and suspicious activity.
- Maintained the highest level of alert and continued the largest port security effort since WWII.
- Submitted wide range of U.S. security-related proposals to the International Maritime Organization (IMO) to improve security of ships and cargo worldwide, leading U.S. initiative to make global transportation system more secure.
- Launched the first phase of a long-term \$17-billion program to build the next generation of Coast Guard ships and aircraft, communications and logistics systems and began some immediate system upgrades

that will enable the Coast Guard to perform their essential maritime safety and security missions. Years in the planning and known as the “Deepwater” program because of its focus on larger ships and planes capable of operating far offshore, the contract will strengthen the front line of the Coast Guard's layered homeland security strategy.

- Begun procuring 46 new port security boats around country to enhance patrol and response capabilities of most vital ports.
- Coast Guard Captains of the Port (COTPs) have joined Dept. of Justice Anti-Terrorism Task Forces.
- Coast Guard continues to exercise operational control of 13 U.S. Navy special operations command Patrol Boats for Homeland Security duties, with Coast Guard Law Enforcement Detachments and U.S. Navy crews aboard.

We appreciate the public’s support, understanding, and assistance as the Coast Guard works to keep the nation’s ports and waterways safe and secure.

### **FACILITY SECURITY:**

Facility Security can be defined as those measures employed to protect against seizure, sabotage, piracy, pilferage, annoyance, or terrorism. It can also be considered as embracing

all measures available to prevent interference within lawful operations. It also must include measures to prepare to respond to breeches of security. To this end, port security personnel must adequately plan for participation in multi-agency maritime response operations. Agencies that may be involved in Facility Security may include state and local law enforcement agencies, local fire departments, private facilities, federal agencies, to name a few.

The Coast Guard Captain of the Port (COTP), in conjunction with other agencies, conducts port safety and security activities to safeguard waterfront facilities from accidents, negligence, illegal acts, terrorism and sabotage. "Waterfront facilities" include but are not limited to piers, wharves, docks, and similar structures to which vessels may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

The Captain of the Port is responsible for ensuring the safety and security of assets within a geographic region, and has the authority to use available resources and manpower to protect all assets from maritime incidents. The COTP has a range of tools available to help ensure the security of the port.

If you have any questions regarding security at your facility, please contact Chief Marine Science Technician Randy Sorge of the Port Safety, Security and Waterways Management Branch at (410) 576-2507.

### **POSITIVE IDENTIFICATION OF PERSONNEL FOR ACCESS TO DESIGNATED WATERFRONT FACILITIES**

During increased levels of alert due to certain situations such as potential terrorist activity, the Captain of the Port, Baltimore, Maryland, under the authority of 33 Code of Federal Regulations Part 6.10-5, may mandate that all Designated Waterfront Facilities (DWF), as defined by 33 Code of Federal Regulations, Part 126.05, require all personnel seeking access to DWFs provide identification credentials. When implemented, this requirement would apply to all persons, both U. S. and foreign citizens, including passengers, entering a waterfront facility or embarking or disembarking from a vessel or harbor craft.

Credentials would, at a minimum, include the following characteristics:

1. Laminated or otherwise protected from tampering.
2. Contain the person's full name.
3. Have a current photograph.
4. Bear the name of the issuing authority.

Issuing authorities may include government agencies, employment agencies, shipping companies, unions, or trade associations provided the credentials meet the above requirements.

Acceptable forms of identification would include military ID cards, federal employee badges, driver's licenses, or official ID cards issued by the Department of Motor Vehicles. Passports or Merchant Mariners Documents (MMD) may also be accepted.

Foreign mariner's Seaman Books or passports would be acceptable forms of ID, but in many cases, the master of a vessel would not release the original documents to crewmembers going ashore. Photocopies of these documents could NOT be accepted as valid forms of ID for crewmembers.

A list of documents considered to meet passport requirements when presented by foreign crewmembers can be found on the U.S. Dept of State internet web site:  
<http://www.foia.state.gov/masterdocs/09fam/0941041x1.pdf>.

Generic forms of identification would be considered unacceptable, including health club, country club, wholesale warehouse membership cards, and student ID cards.

For assistance or additional information, persons may contact CG

Activities Baltimore Port Safety & Security Branch at 410-576-2513.

### **OPERATION BAY WATCH**

In an effort to protect the Upper Chesapeake Bay area from terrorist activity, the Coast Guard, in cooperation with the Federal, State, and local law enforcement members of the Maryland Maritime Security Group, has established **Operation Bay Watch**. This program is a "Neighborhood Watch" program for the Upper Chesapeake Bay and tributaries, including the Potomac River.

The Coast Guard is requesting that citizens, boaters, professional mariners, tourists, and waterside business people are on alert for suspicious and illegal activity, and report such activity by phone or fax. Of particular interest are activities around military bases, bridges, power plants, water intakes, oil facilities, fuel docks, and cruise ship terminals.

To report suspicious activity in the Upper Chesapeake Bay, call **(800) 418-7314**. Reports will be treated as confidential, or may be made anonymously.

If you observe suspicious activities outside of the Upper Chesapeake Bay area, please report to the National Response Center (NRC) at **(800) 424-8802**. The NRC is the central point of contact for all oil, chemical,

radiological, biological, and  
etiological releases anywhere in the  
United States.

### ***WHAT TO LOOK FOR...***

#### ***...in recreational vessels:***

- Fishing in locations not typically used for fishing
- Unattended vessels
- Unusual boat characteristics
- Any aggressive activities
- Unusual filming/photography
- Unusual diving operations
- Recovering or tossing items into/onto the waterway or shoreline
- Unusual number of people on board
- Lights flashing between boats and shore at night

#### ***...in commercial vessels:***

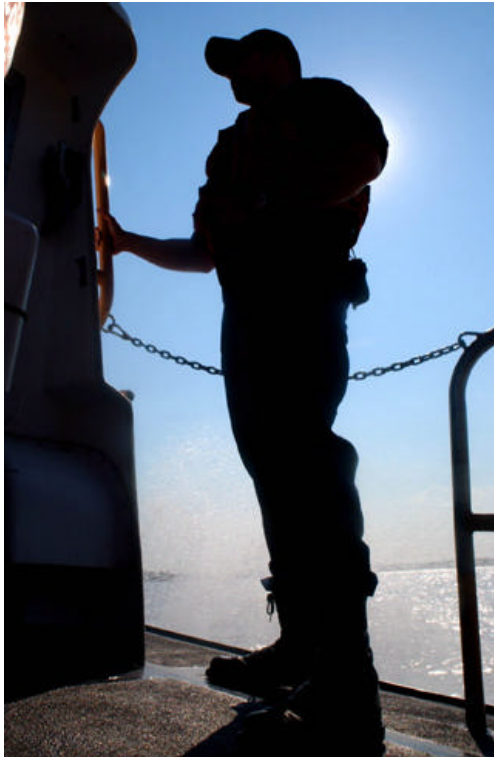
- Operating/transiting in an area not typically transited
- Anchored in an area not typically used as an anchorage area
- Unattended vessels
- Unusual vessel characteristics
- Any aggressive activities
- Unusual filming/photography
- Divers near vessel
- Recovering or tossing items into/onto the waterway or shoreline
- Unusual transfer of personnel or items while transiting
- Unusual night operations

#### ***...in facilities & waterway structures:***

- Fishing/hunting in locations not typically used for fishing/hunting
- Suspicious activity
- Unattended vehicles in unusual locations
- Unusual vehicle characteristics
- Any aggressive activities
- Unusual filming/photography
- Divers entering water near facility or bridge
- Recovering or tossing items into/onto the waterway or shoreline
- Unusual night operations
- Observed security changes or lack of usually observed security
- Missing fencing, lighting etc.

**If you witness a terrorist act or crime in progress, call **911** immediately.**





## **INS VESSEL SECURITY PLANS**

By CWO3 Charles K. Fluke  
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Prior to arrival of vessels in the United States, the Immigration and Naturalization Service (INS) determines whether or not a foreign crewmember or passenger onboard will be allowed entry into the United States. Foreign crewmembers may be denied entry into the United States for a variety of reasons. If a crewmember has been denied entry to the United States, or INS determines that the crewmember poses a specific security risk to the port, the Coast Guard will assist INS with ensuring that the Master of the vessel has provided effective security measures to keep

the identified crewmember or passenger from gaining illegal entry.

Upon INS request, the U. S. Coast Guard Captain of the Port (COTP) may issue an Order requiring a Security Plan to be submitted and approved by INS prior to vessel entry into the United States. The authority for the COTP Order comes from Title 50 United States Code (USC) Sec 191 (granted in Executive Order 10173 and amended by 11249) and 33 Code of Federal Regulations (CFR) Part 6; in short, the Commandant of the USCG may require the restriction of any person to a vessel within the jurisdiction of the United States, or removal of any person from a vessel or waterfront facility within the jurisdiction of the United States, who is “not specifically authorized by him/her to go or to remain thereon or therein.”

In the event a Security Plan is required on a vessel bound for the Port of Baltimore, the Coast Guard will coordinate with INS to determine the need for security guards at the pier. Coast Guard Activities Baltimore and Baltimore INS are currently working on guidelines for Minimum Standards for Contracted Crewmember Security Service applicable to the Port of Baltimore, to be distributed to vessel agents.

Our goal is to maintain the safety of the port with minimal interruption to visiting vessels. Future plans are to

include copies of the Minimum Standard for Contracted Crewmember Security Service with each COTP Order issued. For further information, please contact Coast Guard Activities Baltimore, Port State Control Branch, at 410-576-2517.

### **TEMPORARY U.S. NAVAL VESSEL PROTECTION ZONES NOW PERMANENT**

Following the September 11, 2001 terrorist attack, the Coast Guard established regulations to provide for the safety and security of U.S. Naval Vessels. Effective 15 June 2002, permanent Naval Vessel Protection Zones were established within 500 yards of any U.S. Naval Vessel in the Navigable waters of the United States. This includes any vessel owned, operated, chartered, or leased by the U.S. Navy or under the Operational Control of the U.S. Navy.

All vessels within 500 yards of a U.S. Naval Vessel shall operate at the minimum speed necessary to maintain a safe course and proceed as directed by the official patrol. No vessel or person is allowed within 100 yards of a U.S. Naval Vessel, unless authorized by the official patrol.

An official patrol includes any Coast Guard commissioned, warrant, or petty officer, or the commanding officer of a U.S. Naval Vessel, or his or her designee. Vessels requesting to pass within 100 yards of a U.S. Naval

Vessel shall contact the official patrol on VHF-FM Channel 16. Violations of these regulations are punishable as a felony.

For further information, contact Petty Officer Doug Zook 410-576-2626.

### **A NEW NORMALCY**

The events of September 11<sup>th</sup> significantly changed the nation's homeland security posture. Terrorism is a clear and present danger to the United States. The Coast Guard has dramatically shifted its mission activity to reflect its role as a leader in Maritime Homeland Security. The Coast Guard's heightened maritime security posture will remain in place indefinitely. Maritime Domain Awareness (MDA) is a critical, yet not fully developed component, of homeland security. The crux of MDA requires adequate information, intelligence, surveillance, and reconnaissance of vessels, cargo, and people of law enforcement interest. Simply put, it is possessing total awareness of vulnerabilities, threats, and targets of interest on the water. The maritime security environment must allow the Coast Guard to identify the unlawful without unreasonably disrupting the free flow of commerce.

The Coast Guard's Maritime Homeland Security (MHLS) strategy incorporates the service's core competencies into a multi-agency, layered operation that will push the



Nation's maritime borders outward and detect, deter, disrupt, and intercept terrorist threats across the maritime domain.

The Coast Guard has identified three Maritime Security (MARSEC) levels that may be established in a port. These levels aid in determining the resources and manpower that will be needed to be proactive in various situations. The MARSEC level is determined by the COTP, and are as follows:

MARSEC 1	Normal Operations. Facilities should be aware and vigilant of suspicious activities and possible threats. Facilities should employ the necessary measures to reduce the vulnerability and risk of their waterfront facility from a marine incident. This is the baseline level of security.
MARSEC 2	This security level is an enhanced security posture and will be the result of an increased risk either due to specific intelligence or increased vulnerability that heightens risk. Facilities can expect the need for additional personnel and material resources to reach this level. At this level, facilities will employ those additional measures identified in their security plan to reduce the vulnerability of and risk to their facility from an incident.

MARSEC 3	This security level is a fully enhanced security posture and will be the result of higher risk that a specific threat exists to the maritime domain or marine transportation system. At this level, facilities will employ the full measures identified in their security plan.
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The Coast Guard is working with other Federal, State, and local security interests to develop plans for MARSEC II and III. The Coast Guard is also taking actions and seeking sufficient resources to assure MARSEC I, the "New Normalcy," for the foreseeable future.

New Normalcy components include: more interagency fusion; intelligence and information on cargo, people, and vessels; improved command and control; more port security patrols; the establishment of regional Maritime Safety and Security Teams; sea marshals; and more fixed & moving security zones.

New Normalcy requires risk based decision making to ID the highest risk military and economically strategic ports, high-risk vessels approaching our ports, and to strategically place Coast Guard resources where greatest threats lie.

New Normalcy also requires upgrading baseline port security capabilities of Groups, Stations, and Marine Safety Offices.

New normalcy requires aggressive outreach to all private sector and federal/state/local partners. This is an All Hands evolution. We must all be sensors. We must all contribute to the new Maritime Security profile.

### **OILY WATER SEPARATORS**

By Lieutenant Chris Boes

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Over the past six months, Activities Baltimore Marine Inspectors boarded several ships and found problems with oily water separation (OWS) equipment. These findings coincide with a national trend where equipment bypasses and ineffective operation were identified as the leading discrepancies.

Oily water separators are not designed to compensate for inadequately maintained engineering systems and work best when processing minimum amounts of oil. Therefore, effective maintenance of all equipment, systems and components capable of leaking petroleum products into the bilges is essential to ensuring successful operation of oily water separation equipment. Research shows that oil-filtering equipment will perform best while processing bilge water with a low level of oil content. By reducing the amount of oil in the bilges, not only will the OWS operate more effectively, but also the risk of fires can be reduced.

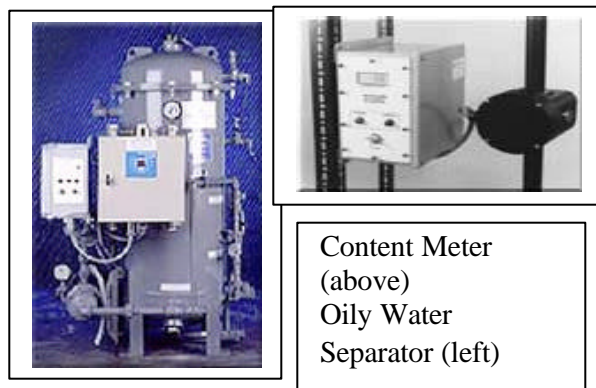
In addition to regular maintenance, a few ways to reduce the amount of oil in the bilges include repairing leaking oil pipes, couplings, installing drip trays under machinery that is likely to leak oil, and draining waste oil from cleaning or other activities into waste oil tanks.

Keeping the machinery spaces clean is important, and one of the primary methods of achieving this is the use of cleansing agents. However, many of the cleansing agents cause oily-water mixtures to emulsify, and such emulsions have an adverse effect on the performance of OWS equipment. Operation manuals should be consulted to determine which cleansing agents are compatible with your OWS.

Whenever a Coast Guard Marine Inspector suspects that emulsifying agents may have been run through the OWS, the inspector may require the Administration (Flag State Inspectors or Classification Society) to verify the proper operation of the OWS. This will include a check for oil residue in the piping on the effluent side of the OWS and the provision of a Class Report to the Captain of the Port (COTP) prior to departure. The vessel will not be permitted to operate its OWS in the United States or its Territorial Waters until the report is received, reviewed and accepted by the COTP. In extreme cases, the vessel may be required to pump its bilges to an approved reception

facility, if adequate onboard storage is not available.

Guidance is available through the International Maritime Organization in the form of Marine Environment Protection Committee Circular 289. This circular provides vessel owners and operators with helpful guidance in understanding and solving operational problems associated with oily water separation equipment.



## **U. S. COAST GUARD TO STRICTLY ENFORCE STCW 95**

By Lieutenant Mark Stoegbauer  
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On August 1, 2002, the U.S. Coast Guard commenced full enforcement of the Convention on Standards for Training, Certification and Watch Keeping (STCW 95). Coast Guard Port State Control boarding officers will verify that all seafarers hold required licenses and certificates issued in accordance with STCW 95. In addition, licensed officers serving onboard a vessel flagged by an

Administration (Flag State) other than the Administration who issued the license, will be required to possess an endorsement or documentary proof that an application for endorsement has been submitted to the vessel's Flag State and received as required by STCW 95 Regulation I/10 and USCG G-MOC Policy Letter 02-04.

Documentary proof of application may include e-mail, fax, phone call, or written confirmation from the Administration that an application for endorsement has been received.



In accordance with paragraph 5 of STCW 95 Regulation I/10 the seafarer may not serve for a period greater than three months without receipt of the flag Administration endorsement.

The Coast Guard will increase scrutiny of vessels and crews associated with flag administrations that are not signatory to the STCW Convention, or not on the IMO "White List" which is a list of signatory administrations whose STCW compliance measures have been reviewed and approved by the

IMO. Vessels associated with Non-signatory flag Administrations will be assigned a Priority 1 boarding status and all others will be assigned Priority 2 boarding status.

STCW 95 violations that represent an unreasonable danger to persons, property, or the environment will result in detention of the vessel. Detainable deficiencies include:

- No safe manning document or the manning is not in accordance with the safe manning documents;
- Certificates of competency are not available or not in accordance with the requirements of the safe manning document;
- No mandatory specialized training document or endorsement available (when required);
- No radio operator certificates or lack of Flag Administration endorsement of radio officer certificate (when required);
- No documentation for personnel with designated safety or pollution prevention duties;
- No flag Administration endorsement or documentary proof from the flag administration that an

application for endorsement has been filed.

For further information, contact LT Mark Stoegbauer at 41-576-2661.

### **COAST GUARD VOLUNTARY SAFETY EXAM PROGRAMS**

By Stephen Oakley  
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[SOakley@actbalt.uscg.mil](mailto:SOakley@actbalt.uscg.mil)

Due to the large number of casualties associated with commercial fishing, and the large number of injuries, the Coast Guard started the Commercial Fishing Vessel Safety Program. The **Commercial Fishing Vessel Dockside Exam Program** was designed to assist you in keeping you and your vessel safe. It does this by allowing you to check the material condition and amount of safety equipment you have onboard. With the help of the Coast Guard examiner you go over the required safety equipment and discuss some common sense safety tips. It is easy and painless! The Coast Guard has been actively promoting this program for years with good success, but not everyone is taking advantage of it. So here are a few more reasons why you should get your dockside exam:

Did you know that if you receive a citation during a Coast Guard boarding, your **fine could be reduced or eliminated** by obtaining a dockside exam? You have 30 days from when you receive a citation to

get your exam completed. If you receive a decal, this information will be passed to the Coast Guard Atlantic Area where your case will be decided, and can result in a lesser fine or no fine at all.

All Coast Guard boarding officers will consider if you have a decal (or not) when choosing whom to board. This doesn't mean you will not be boarded, but if the boarding officer sees that you have a valid decal they will only **conduct abbreviated boarding**. So, in addition to your vessel being safer, there are other benefits of obtaining a dockside exam.

There is another program I would like to mention. The **Uninspected Passenger Vessel Program**. This program is for vessels that carry six (6) or less passengers for hire and is designed to keep you and your passengers safe. This exam is also voluntary and when completed you receive a decal, which can be posted on your vessel. Whether you are taking parties' sport fishing, or sea duck hunting, this program is for you. You receive the same benefits from this program that you receive from the commercial fishing vessel program. Remember both of these programs are free!

These exams are meant to be educational; they will give you the ability to keep yourself safe. The examiner will discuss with you what

needs to be corrected and return when it's done to give you your decal. It's that easy. Remember these are **free exams**.

So call and request an exam. For Maryland areas, call Coast Guard Activities Baltimore at 410-576-2634 or 410-576-2619, and for Virginia areas, Coast Guard MSO Hampton Roads at 757-441-3285.

Remember the whole purpose of these programs is to keep you safe and working on the water.

### **CG WITHDRAWS PROPOSED EMERGENCY RESPONSE PLAN RULES**

Following the September 11, 2001 terrorist attacks on the United States, the Coast Guard re-evaluated all of its active rulemaking efforts in order to better concentrate resources on homeland security. Consequently, the Coast Guard has withdrawn and terminated its advance notice of proposed rulemaking concerning emergency response plans for U.S. flag inspected passenger vessels operating in domestic service.

The advance notice of proposed rulemaking entitled "Emergency Response Plans for Passenger vessels", published in the Federal Register on February 26, 1998, concerned the development of plans for passenger vessels to respond to emergencies such as collisions,

allisions, groundings, and fires. The Coast Guard expects that there will be no public disagreement with its decision since there was no significant public support for the rulemaking expressed during the comment period.

### **NEW MEMBERS IN SMALL PASSENGER VESSELS BRANCH**

The summer transfer season has brought some personnel changes to the Small Vessel Passenger Branch at USCG Activities Baltimore. Branch Chief LT Reed Kohberger has transferred to USCG Headquarters in Washington, DC after a successful tour at Activities Baltimore. LT David Di Bella is now filling the position previously held by Reed. LT Di Bella has been at Activities Baltimore since June 2000, and has worked with the U.S. deep draft vessels within the Port of Baltimore, primarily at BMI. He has been in the Coast Guard over 23 years serving in enlisted and officer ranks, and has worked within the Marine Safety field since 1994. LT Di Bella's previous marine safety tour was at MSO Jacksonville, FL where the majority of his inspection duties dealt with small passenger vessels.

LTJG Scott Baranowski has been re-assigned within Activities Baltimore to the Investigations Department. Replacing Scott as a small passenger vessel inspector is LTJG Liam LaRue. LTJG LaRue arrived from the West Coast upon his completion of duty as

a deck watch officer aboard a major Coast Guard cutter operating out of the San Francisco Bay area. Liam is currently attending inspections and gaining area familiarization with other marine inspectors from the Small Passenger Vessel Branch.

CWO Greg Ebbighausen has been re-assigned within Activities Baltimore to the Foreign and U.S. Deep Draft Vessel Branch. LT Joe DeFresne has taken over Greg's inspection duties. Joe has transferred in from the USCG Marine Safety Center at Washington, DC where he worked on vessel plan approval for a variety of projects. LT DeFresne has previously served as an assistant engineering officer in the engineering department of a major Coast Guard cutter operating off of the Atlantic seaboard.

Each new member of the Small Passenger Vessel Branch at the following telephone numbers: LT Di Bella (410) 576-2656; LT DeFresne (410) 576-2685; LTJG LaRue (410) 576-2671.

### **ANNUAL ICE OPERATIONS PLANNING CONFERENCE SET FOR NOVEMBER**

By Mr. Ron Houck  
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The Coast Guard Activities Baltimore / DelMarVa Water Transport Committee 2003-2003 Ice Operations Conference will be held in Easton,

Maryland on November 13, 2002, from 10 a.m. to 1 p.m. The annual meeting provides an opportunity for members of the public and private sectors to discuss the upcoming winter navigation season on the middle and upper Chesapeake Bay. A working lunch will be provided at a minimal cost. Attendees are asked to RSVP by November 6, 2002.

Information pertaining to the conference can be obtained by calling the U.S. Coast Guard Activities Baltimore, Port Safety, Security and Waterways Management Branch, at (410) 576-2674; by e-mail at [rlhouck@actbalt.uscg.mil](mailto:rlhouck@actbalt.uscg.mil); or by Internet at the Web Site for Activities Baltimore, at <http://www.uscg.mil/d5/activities/actbalt>.

### **SMALL PASSENGER VESSEL PLAN REVIEW**

Due to the events of last September, the Coast Guard was forced to review their existing missions and reallocate resources to meet the increased demands of the maritime security mission. Consequently, beginning in August 2002 *all* Small Passenger Vessel (46 CFR Subchapter T) plan review that would have normally been conducted by Activities Baltimore will now be performed by the U.S. Coast Guard Marine Safety Center (MSC) in Washington, DC.

Plans currently under review at Activities Baltimore, that are less than

50 percent complete, will be transferred to the MSC. Activities Baltimore will complete projects more than 50 percent through the review process.

Please send all future plan review correspondence and plans requiring Coast Guard approval to:

Commanding Officer  
U.S. Coast Guard Marine Safety  
Center (MSC-1)  
Hull Division, Small Passenger  
Vessel Branch  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590-0001

We are committed to ensuring a seamless transition of plan review duties and maintaining high quality service to our customers. Please note that the Activities Baltimore Small Passenger Vessel inspection team will still conduct all visits and inspections during the construction phases of a project including initial visits, Hull Examinations, Simplified Stability Proof Tests, and the Initial Inspection for Certification. However, the title & position of "Plan Review Officer" will no longer exist at Activities Baltimore.

If you have any questions, please contact the Small Passenger Vessel inspection Branch Supervisor, Lieutenant David Di Bella, at (410) 576-2656.

## **PLASTICS ARE FOREVER**

*By the Algalita Marine Research  
Foundation (April 2001)*

We drink out of them, eat off of them, sit on them and even drive in them. They're durable, lightweight and can be made into virtually anything. But it is these useful properties of plastics, which make them so harmful when they end up in the environment. Plastics ... like diamonds ... are forever!

- Only 3.5% of plastics are recycled in any way.
- 63 pounds of plastic packaging goes to landfills in the U.S. per person/per year.
- Broken, degraded plastic pieces outweigh surface zooplankton in the Central North Pacific 6 to 1.

### **Why is plastic in the ocean a problem?**

Because plastic doesn't biodegrade. When something biodegrades, naturally occurring organisms break down natural materials into their simple chemical components. Paper, when it breaks down, becomes carbon dioxide, nitrogen and water. But plastic, a synthetic material never biodegrades. Instead, plastic goes through a process called photo-degradation, where it is broken down by sunlight into smaller and smaller pieces, all of which are still plastic polymers. Even this degradation process can take a very long time ... 500 years for a disposable diaper, 400

years for a plastic six-pack ring and 450 years for a plastic bottle. The more plastic we produce, the more we have to live with ... forever!

### **The ocean is especially susceptible to plastic pollution, because:**

1. It takes longer for the sun to break apart a piece of plastic in the ocean than on land. This is because the ocean water cools the plastic piece and prevents heat build-up.
2. Plastics are carried by currents, which can concentrate the plastic in certain areas and prevent it from washing onshore. Circulating currents in the ocean caused by stable weather patterns are called "gyres". When plastic is flushed out of a gyre by storms and washes ashore, or when rain sends plastics down rivers to the sea, much of it is mixed with sand and can never be recovered.

## **NEW LIFE JACKET RULES FOR CHILDREN:**

### **Does this affect you?**

The United States Coast Guard published an Interim Rule in the June 24, 2002, Federal Register requiring all children under 13 years old to wear a Coast Guard approved life jacket, that fits, when underway on a recreational vessel, unless they are in an enclosed cabin or below decks. The Coast Guard stressed that the rule only applies in those States that currently have no rule requiring



children to wear a life jacket. However in those States that have any requirement, the rule recognizes and adopts that State's requirement.

The State of Maryland already has laws in effect that will apply in this case. They are as follows: Effective June 1, 2001, all children under the age of 7 must wear a United States Coast Guard approved Personal Flotation Device (Life Jacket - Type I, II, III, or V) while underway on a recreational vessel under 21 feet in length on Maryland waters. Recreational vessel includes motorboats, sailboats, canoes, kayaks, rowboats, and any other device capable of being used for transportation on the water, when the vessel is being used for other than commercial purposes.

The Life Jacket must be the proper size for the child and must be in good and serviceable condition.

***This requirement does not apply when:***

- A vessel is moored or anchored.
- A child is below deck or in an enclosed cabin.

For more information on Maryland requirements see the state website: <http://www.dnr.state.md.us/nrp/052901.html>

The State of Virginia, however, does not currently have any requirements so the Federal Rule would apply. For more information on the VA boating

requirements see: <http://www.dgif.state.va.us/boating/>.

The Federal Rule becomes effective December 23, 2002. It includes an education and public awareness phase that began July 1, 2002 and ends December 31, 2002. This phase will be used to educate the public

Failure to have a child wear a Coast Guard approved life jacket will be treated the same as not having a life jacket readily available. Penalties may be assessed up to \$1,100 maximum for each violation, but typically they would be assessed in the \$50 to \$250 range per violation.

### **A GOOD IDEA.**

Having children wear life jackets is just a good idea. All of the educational boats in the Baltimore OCMI zone have a complete extra set of Coast Guard approved life jacket vests and require children to wear them at all times while onboard. These lifejackets do not meet the requirements for certification, but they are easier to move around in and therefore keep on the children. Many operators have asked about life jackets for infants. Here is the information provided on the Coast Guard website on the subject.

To work right, a PFD must fit snugly on a child. To check for a good fit, pick the child up by the shoulders of the PFD. If the PFD fits right, the

child's chin and ears will not slip through. PFDs are not babysitters. Even though a child wears a PFD when on or near the water, an adult should always be there, too. Parents should remember that inflatable toys and rafts should not be used in place of PFDs.

**Question:** What do you recommend for a 7-month-old child? She rides in the car seat while in the car but it seems like that would sink like a rock if the boat ever capsized. What should she sit in and what type of life vest would you recommend that she wear?

**USCG response:** We recommend a Type II infant PFD for a child of this size.

**IMPORTANT MESSAGE** - Since infants and children come in many sizes and shapes, the U.S. Coast Guard and personal flotation device (PFD) manufacturers urge that PFDs be tested immediately after purchase. You should test your PFD in a swimming pool. Test it with the infant or child who will be wearing the PFD. Just because it works for one infant or child does not mean it will work for another in the same manner. Check for proper weight range, comfortable fit, and especially a stable face-up position in water. Infants and children are difficult to float in a face-up position because of the distribution of body weight and the tendency for them to struggle or attempt to climb out of the water. Some infants and children float best in one style of vest, while others will

float better in another. If one does not work well, try another style.

Remember: Never leave an infant or child unattended on a dock, on a boat or in-the-water, even if they have a PFD on."

**Question:** What are the recommendations/requirements for seating of infants in a recreational craft?

**USCG response:** If an infant is onboard a recreational boat, there must be an infant Type II personal flotation device (PFD) available for that individual. We recommend that the infant wear the PFD at all time while onboard the boat. There are no USCG requirements for infant seating on any recreational boats. USCG does not have a policy regarding infant seating on recreational boats.

**Question:** Are there break away infant seats available?

**USCG response:** There are no USCG approved infant seats currently approved, and there are no such devices being tested to meet our PFD requirements. We are not aware of any such device being sold.

**Question:** Does the USCG endorse any infant seats?

**USCG response:** At this time we do not, because none have been submitted for testing. If a manufacturer designs one and submits it for testing, we will consider it for USCG approval. Recently, there have been interests from inventors who are

developing such a device. But to date, none have submitted their devices for testing.

**Question:** What PFD does the Coast Guard recommend for infants.

**USCG response:** Frankly, for any newborn up to 18 pounds, we do not recommend taking onboard a recreational boat, because current devices are not adequate for all newborns. Unless the parent is able to test their newborns out in a PFD, sized for infants, in a swimming pool, they will not know if that device will float their child with his/her head out of the water. Unless you know the PFD you have works for your infant, why put the child at any risk. For more information on Life Jackets see the Coast Guard website <http://www.uscg.mil/hq/g-m/mse4/pfd.htm> . For more information on the federal rules see the Coast Guard website at <http://www.uscgboating.org/news/boatingview.aspx?id=26> for the complete interim rule and as always, contact

your marine inspector if you have questions.

**PLEASE HELP US UPDATE OUR MAILING LIST**

**WEB PAGE ADDRESS:**

<http://www.uscg.mil/d5/activities/actbalt/index.htm>

**Public Information Hotline: 410-576-2682**

Please call if your address listed on the mailing label is incorrect, if you desire to discontinue receiving the newsletter, or if you would like to have someone added to our mailing list.

This is an unofficial publication by the men and women of Coast Guard Activities Baltimore published to inform our customers and friends in the maritime community about changes that affect the maritime arena. Your comments and questions are welcome.

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